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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,341	01/16/2001	Serguei Glazko	000337	5972
23696	7590	05/02/2006	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			TANG, KAREN C	
			ART UNIT	PAPER NUMBER

2151

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/761,341	Applicant(s) GLAZKO ET AL.	
	Examiner Karen C. Tang	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11-15, 17-20, 22-27, 29, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-15, 17-20, 22-27, 29, 30, and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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- This action is responsive to the amendment and remarks file on 12/09/05.
- Claims 1-4, 6-9, 11-15, 17-20, 22-27, 29, 30, and 32 are presented for further examination.

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 1-4, 6-9, 11-15, 17-20, 22-27, 29, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jou (US 6480472) in view of Chen et al, hereinafter Chen (US 6335990).

1. Referring to Claim 1 and 23, Jou states that the system receives data transmitted in a plurality of frames refer to Col 6, Line 36 – 45, Jou also states the system can classify each of the frame refer to Col 3, Line 7 – Line 14.

Jou specifies the system analyzing the classification of number of successive frames of the received data and providing a metric with respect thereto refer to Col 3, Line 7 - 25. The system can determine if a frame is a discontinuously transmitted frame, thereby inhibiting a mobile receiver from requesting retransmission of the frames or a change in transmission power level.

(A “whereby” which is equivalent as “thereby” clause that merely states the result of the limitations in the claim adds nothing to the patentability or substance of the claim. Whereby

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clause that relates back to and clarifies what is required by the claim and gives meaning and purpose to the claim rather than merely stating inherent results is a limitation that must be given patentable weight. See *Texas Instrument Inc. v. International Trade Commission*, 26 USPQ2d 1018 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001) )

Jou did not expressly disclose wherein said classifying includes computing a filter output:  $Y_n = Y_{n-1} + X_n$  where 'n' is a frame number,  $Y_n$  is the filter output for a given frame n,  $Y_{n-1}$  is the filter output for a previous frame, and  $X_n$  is a stream of input frames, said filter output being clamped between two predetermined values for a value of n within a predetermined range.

Chen discloses that the classifying includes computing a filter output:  $Y_n = Y_{n-1} + X_n$  where 'n' is a frame number,  $Y_n$  is the filter output for a given frame n,  $Y_{n-1}$  is the filter output for a previous frame, and  $X_n$  is a stream of input frames, said filter output being clamped between two predetermined values for a value of n within a predetermined range, refer to Figure 9, Col 2, Lines 49-63, and Col 9, Lines 28-42.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Jou with the teaching of Chen. One of ordinary skill in the art would have been motivated to do this because Jou discloses there is a filter associate with the system. Furthermore, it would be beneficial to use Chen's idea to implement the filter with IIR filter so it can be easily filter the data in the vertical, horizontal, and temporal dimension in a single step, and it also can preserve the sequence of the frames.

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2. Referring to Claim 2, 13, and 24, Jou states that the system consists error-checking ability for the frames refer to Col 4, Line 18 – 29.

3. Referring to Claim 3, 14, and 25, Jou states that the error checking includes performing a cyclic redundancy check refer to Col 4, Line 18 – 29.

4. Referring to Claim 4, 15, and 26, Jou states that the system classifies the frames as good frames, erasure frames or discontinuous frames refer to Col 3, Line 7 – 14.

6. Referring to Claim 6, 17, and 27, Jou states the system assigns a numerical value to each of the frames based on the classification thereof Col 9, Line 25 - 60.

7. Referring to Claim 8, 19, and 29, Jou states the system set a threshold for the output of the filter refer to Col 3, Line 23 – 30.

8. Referring to Claim 9, 20, and 30, Jou states the system outputs an indication of a detection of a discontinuous transmission frame when the filter output exceeds the threshold refer to Col 3, Line 8 – 30.

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9. Referring to Claim 11, 22, and 32, Jou states the system reclassify frame to discontinuous if the frame was classified as erasure and the output of the filter exceeds the thresholds Col 3, Line 8 - 30.

10. Referring to Claim 12, Jou specifies a communication consists a transmitter which adapts to transmit frames of data, at least some of the frames being discontinuous. The system consists a receiver which adapted to received and classify the transmitted frames. The system also consists a processor and a software to analyze the classification of a number of successive frames of the receiving data and providing a metric with respect thereto and for determining, in response to the metric, if a frame is a discontinuously transmitted frames. thereby inhibiting a mobile receiver from requesting retransmission of the frames or a change in transmission power level. (A “whereby” which is equivalent as “thereby” clause that merely states the result of the limitations in the claim adds nothing to the patentability or substance of the claim. Whereby clause that relates back to and clarifies what is required by the claim and gives meaning and purpose to the claim rather than merely stating inherent results is a limitation that must be given patentable weight. See *Texas Instrument Inc. v. International Trade Commission*, 26 USPQ2d 1018 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001) )

Jou did not expressly disclose an IIR filter having an output clamped between two predetermined values for a predetermined number of past and present frames.

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Chen discloses that IIR filter having an output clamped between two predetermined values for a predetermined number of past and present frames refer to Figure 9, Col 2, Lines 49-63, and Col 9, Lines 28-42.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Jou with the teaching of Chen. One of ordinary skill in the art would have been motivated to do this because Jou discloses there is a filter associate with the system. Furthermore, it would be beneficial to use Chen's idea to implement the filter with IIR filter so it can be easily filter the data in the vertical, horizontal, and temporal dimension in a single step, and it also can preserve the sequence of the frames.

11. Referring to claim 7 and 18, Jou specified that there is a filter associate with the system.

Jou does not expressly disclose what type of filter or the filter equation being used in the system.

Chen states that the filter is associate with the system and also the filter is in the form of  $Y_n = Y_{n-1} + X_n$  refer to Figure 9.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Jou with the teaching of Chen. One of ordinary skill in the art would have been motivated to do this because Jou discloses there is a filter associate with the system. Furthermore, it would be beneficial to use Chen's idea to implement the filter with IIR filter so it can be easily filter the data in the vertical, horizontal, and temporal dimension in a single step, and it also can preserve the sequence of the frames.

***Response to Arguments***

Applicant's arguments with respect to claims 1-4, 6-9, 11-15, 17-20, 22-27, 29, 30, and 32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT  
Karen Tang  
04/18/06

  
ZARNI MAUNG  
PATENT EXAMINER